Alabama

Segregation - 1935

Birmingham, Ala. News
August 18, 1935

CITY IS ENJOINED IN TENANT ROW

The row over Negroes moving into an apartment house on Sixteenth Street near Eleventh Avenue, North, in connection with which a petition was filed in Federal District Court here by the Provident Mutual Life Insurance Company against the City of Birmingham several months ago, resulted in an order being issued Saturday by U. S. Judge W. I. Grubb enjoining the city from interfering with tenants.

The order was a final decree in the case. But the decree specifically states that it does not deny the City of Birmingham the right to change its zoning ordinances from time to time as it might elect, nor is the decree intended to indicate that any zoning ordinance of the city is invalid.

Considerable excitement was occasioned in the neighborhood when a Negro family moved into the apartment, which is in a block occupied by white tenants entirely before that. Officers were called to quell the disturbance. The property was taken over by the life insurance company on a foreclosed mortgage. Costs in the case were taxed against the respondents.

Birmingham, Ala., Age-Herald
November 13, 1935

COMMISSION SETS REZONING HEARING

Smithfield Area Will Be Studied By City Officials

Hearing on an ordinance to rezone certain property adjoining the west side of the Negro slum clearance project in Smithfield for use by Negroes was set for Nov. 29, by a resolution adopted by the City Commission Tuesday. City Atty. W. J. Wynn prepared the proposed ordinance to change the zoning.

This action was taken following the appearance of J. E. Bacon, in charge of the slum clearance project, at the meeting of the City Commission Tuesday. He declared that Washington officials have postponed opening bids for construction of the project until Dec. 2 pending the change in the zoning. He said it is necessary that the work be started before Dec. 15, and urged action by the commission.

An agreement to change the zoning of the property already has been made, Mr. Bacon said. Commissioners instructed Mr. Wynn to prepare the ordinance. It is proposed to move the dividing line between the white and Negro districts 150 feet west in one and a half blocks north of Eighth Avenue. It also is planned that a 50-foot strip west of the new line will be deeded to the city for park purposes.

Segregation - 1935

Colorado

Denver Citizens Force White Contractors to Rescind "Only White Labor" Edict.

Pittsburgh Pa.

(By the Continental Press)

DENVER, Colo., Mar. 28—That cankerous, discriminating and un-American demon, "Jim Crowism," reared its head here in the Centennial State when the Utah-Bechtel-Morrison, Inc., contractors, who were awarded the Frazier River diversion contract, brought to Colorado, it's Jim Crow Policy, which it employed in the construction of the great Boulder Dam and set down the word, "Only white labor would be used on the Moffatt Tunnel Project."

Colorado 3-28-35

The proponents of this un-American and prejudicial policy, did not reckon with the vigilance of the Colorado citizens of Negro descent, nor of the many fair-minded persons of other races, who believed in making the provisions of the Constitution more than a mere scrap of paper. Devious and sundry efforts, some of which were subtle and evasive, went for naught, for a group of citizens representing the Denver Colored Civic Association, took the matter to Governor Ed C. Johnson, whose administration as chief executive of Colorado, has been characterized by fairness toward all elements of the citizenry.

The delegation which brought the Jim Crow policy to the attention of Gov. Johnson, was composed of John M. Anderson, S. E. Cary and Fritz Cansler. After a respectable hearing, Governor Johnson immediately communicated with proper authorities, insisting that there be not one scintilla of discrimination and Jim Crowism on the Frazier River Diversion Project. The term, Frazier River Diversion Project, is used interchangeably with the term Moffatt Tunnel Project, in this connection; the purpose being to divert water from the west side of the Continental Divide to the east side, through the Frazier River and into the reservoirs of Denver as Denver suffers greatly through the lack of sufficient water supply, water famines frequently occurring. The Utah - Bechtel-Morrison, Inc., firm submitted the lowest bid and received the governmental award, Federal funds amounting to $2,000,000 having been appropriated and set aside for said diversion.

Upon receipt of the information that only white labor would be used, the delegation representing the Denver Colored Civic Association, got busy and went directly to Wood and had him to know as one of the committee told him, "We don't like this unfairness; we won't stand for it. The Utah-Bechtel-Morrison firm is in Colorado and is to work on the Frazier River Diversion Project and not Boulder Dam.

"We are all being taxed, not as white or colored citizens, to support and make possible this diversion, but as citizens. And you, may believe it or not, but we are going to raise particular hell ... just watch us and see," the spokesman told the United States Re-employment Director in charge of the Denver office.

Seeing that he was on the spot, and sensing the determination of the Negro delegation, he immediately overstepped "orders" from the Director of Personnel of the Utah-Bechtel-Morrison firm and sent two Negro ex-service men. There was great fear and grave concern on the part of some as to the wisdom of sending the two Negro ex-service men, but a wire from one received here Friday, March 22, said "Everything is fine in every way." Thus the two Negro ex-service men are at work where the contractors had given orders to send them "only white laborers" for the Frazier River Project.

The Denver Colored Civic Association and particularly the delegation which doggedly fought discrimination is being commended highly in all circles.

Segregation—1935

D.C.

WHITES SEEK TO DRIVE FAMILY OFF EUCLID ST.

Move or Be Dynamited Is Ultimatum They Send

WASHINGTON, D. C.—Moving orders, based on Southern prejudice, were given two prominent families here last week along with an ultimatum, move or be blown out.

The threat came from white residents of 1700 block of Euclid Street, Northwest who threatened to dynamite the home of Mr. and Mrs. Henry Hayes, 1716 Euclid Street, according to the contents of a letter reecived by the couple in Wednesday morning's mail.

Residing with the Hayes are Mr. and Mrs. George Clark, popular manager of the Lincoln Theatre who recently moved into his brother-in-law's home from the Howard Manor Apartment.

The letter bearing the city postmark and written on a thin sheet of paper bore the following message:

"I am warning you that you had better vacate premises, 1716 Euclid Street, in the next thirty days. If you don't you are going to receive a package of dynamite in the mail or dropped on your roof. Copy to Mr. Clardy, former owner." "Taxpayer on Euclid Street."

The Mr. Clardy, former owner, referred to is white, and formerly lived in the house before it was purchased by Mr. and Mrs. Hayes. Only one other colored family lives in the same block. They have occupied the house for the past six months without any semblance of trouble or resentment, it is said.

While Mrs. Clark seems perturbed over the mystery message, Mr. Clark says he is determined to stick it out and resist any effort made to chase him out of the neighborhood. In view of the fact that an Italian family is living on one side of the apartment, Mr. Clark jokingly referred to the incident as an "Ethiopian-Italio" siege.

The threatening letter will be turned over to postal authorities or to police headquarters, it was stated and heavy penalties await those who sent the letter through the mails, if ever located.

The Hayes' and Clark families have occupied the home for about two weeks although white residents have fought the attempt of colored people seeking residences across Sixteenth Street on Euclid, Fairmount and Girard Streets. Despite legal means and threats, colored families have gradually moved into the so-called "restricted district."

One Curse of Segregation

The curse of segregation is low standards. That applies to any group of people, and especially to groups of our blood and tradition, because we tend to lapse back into older and antebellum and even jungle customs, without copies to imitate

Language is caught from the group with which we associate, hence, the loose pronunciation and the queer idioms we use and enjoy, are passed from member to member of the group, and from generation to generation. Our young folks have a strange mixture of grandmother habits and imitation of movie stars, but they have become so accustomed to segregation that they seldom seek any new contacts. They criticise each other for trifles, but not for defects, hence, the censure has about the same effect that one newspaper has upon the other, answers but no change in conduct.

Since intelligence is shown by conduct, environment is most powerful in its influence, when it sets new standards of conduct in any field. Rural life lacks intimate, varied contacts, but repeats and intensifies those it does give, hence, rural intelligence is wi but not high. As our people are predominately rural and as our cities are constantly increased by migrations from rural areas, rural manners and attitudes, continue to hold us fast bound.

Habits of eating, of dressing up on Sundays, of visiting, of loud talking of congregating in crowds, around meeting places, and of church entertainments, as well as, slow response to any call to action, all may be traced to rural habits, not yet corrected.

Some of us call it being sociable, but any habits of group are 'sociable," the question is are they the kind of sociability best suited to the present situation?

WHITES SEEK TO OUST DUNBAR TEACHER FROM FIRST STREET HOME.

D.A.LANAUZE, Teacher of Spanish object of fight by D.C. Whites.

35 Year-old Cov'nant enforcement sought,

Seeking to enforce a covenant written into deeds of conveyances in 1901, prohibiting the transfer of property to Negroes, Mrs. Carrie W. Garland and Randolph M. Garland, 3711, Thirteenth Street, Northwest, filed a petition in the District supreme Court, Monday asking that Domingo A. Lanauze and his wife, Mrs. Hilda C. Lanauze, 1737 First Street, Northwest be perpetually enjoined from occupying his present residence and also be directed to vacate the premises and to remove all personal belongings. The covenant might be well said to be out-of-date, so far as the section of Washington in which the property is located is concerned, as it is entirely populated by Negroes. Yet, written into deeds and other instruments to keep segregated instruments to keep segregated residential areas in the nation's capital at a time when economic conditions were not so alarming and at a time when the purchasing power of the Negro was scarcely considered, the following precautionary measure was inserted in convevances:

"Subject also to the covenant that said lot shall never be rented, leased, sold, transferred or conveyed unto any Negro or colored person under a penalty of two thousand dollars ($2,000), which shall be a lien against said lot."

Constantly Annoyed by Suits

Mr. Lanauze, a teacher at Dunbar High School, has been constantly annoyed by suits instituted by white property owners since moving into the 1737 First Street home in 1931. In June, 1931, Lanauze defended a suit brought to enforce the covenant by Charles Murgia. Murgia, a white property owner, sought to remove Lanauze from the premises immediately by asking for a preliminary mandatory injunction. The suit was dropped for want of prosecution by Murgia, and a waiver and release was signed by the parties to the suit, whereby Lanauze, Murgia and other white property owners expressly released one another from any obligation under the covenant. The release was presented to the Garlands at the time, but they refused to sign the waiver and stated their intention to adhere to the covenant.

Lanauze Home on Boundary Line

The petition filed by the Garlands states that the property owned by Lanauze is on the boundary line getween white and Negro districts. Stating that the Lanauze home, along with seven others, is so related and positioned with respect to each other that the occupancy of the Lanauze home irreparably injures the property owned by the Garlands, in that the premises are made undesirable for occupancy by white tenants.

Whites Contend that Lanauzes Are Trespassers

Attempting to uphold the validity of the covenant, the petition filed by the Garlands alleges that the Lanauzes are trespassers by virtue of the covenant, and that their occupancy is illegal and unlawful. Earnestly praying for relief in equity, the petitioners (Garlands) pointed out in their complaint that if the Lanauzes are allowed to remain in their present home, the damages which would ensue would be irreparable and incapable of ascertainment.

Lanauze to Defend on Ground of Social Change

Aside from availing himself of purely legal technicalities, Thurman L. Dodson, attorney for the Lanauzes, stated that Mr. Lanauze would defend by showing the decided changes in the physical surroundings of the LeDroit Park community. At the time when the covenant prohibiting the transfer of the properties to Negroes was written in the deeds of conveyances there were only a few Negroes in that vicinity. Now that there has been a vast change made in residential areas, Mr. Dodson stated that Negroes now dominate the section in which the property owned by the Lanauzes is located. Pointing out also that many of the white owners of property had signed a release and waiver expressly invalidating the covenant, some years ago, Mr. Dodson said that the suit by the Garlands would be defended also upon the grounds of laches. In other words, the Garlands have waited too long a time to bring any action.

Segregation – 1935

Florida

Miami Beach, Fla., Tribune
November 8, 1935

Miami Beach Turns Back Negro Influx

According to Miami Beach police, the city will have to have a special immigration department if yesterday's record continues.

A swarm of undesirable negroes migrated from the mainland, escaping the close watch being kept on all the causeways, and scattered about Miami Beach. Police picked up 19 of the negroes on charges of disorderly conduct or for investigation. All of them stated they lived in Miami but were vague as to their reasons for being on the Beach.

Segregation - 1935

Georgia

SHEPPERSON DENIES RACES WORK TOGETHER

Atlanta Georgia

Relief Administrator Says Separate Offices Provided for Whites, Negroes.

8-2-35

Requested by the Fulton county commission to clear up charges that white people and negroes were working in headquarters of the county relief administration "without regard to color," Miss Gay B. Shepperson, state administrator, yestedy denied such a condition existed.

The allegations were made to the commission by Kenneth Murrell, representing the American Legion, and Charles W. Bernhardt, state commander of the United Spanish-American War veterans.

Murrell charged both white people and negroes were working in the same offices, drinking out of the same water fountains and using other facilities at the headquarters "with no lines drawn as to race."

Says Signs Erased.

From Bernhardt came an assertion two drinking fountains were installed at the headquarters recently, labelled "for white" and "for negroes" and that the labels were "promptly erased."

The commission adopted a resolution requesting Miss Shepperson to correct the alleged condition. Denying it existed, Miss Shepperson said the county relief offices were located in a public building and "naturally in the hallway is a place to drink water, just like in any other public building," she said. Negroes and white people, she added, are in separate offices.

Following the commission hearing, Murrell announced he would ask the county to "use police power, if necessary, to enforce segregation laws, if we get no results from the resolution."

Americanism Committee.

Bernhardt told the board he and Murrell represented the community Americanism committee, composed of various organizations, whose object it was to preserve "color lines and defeat moves for racial equality."

Charges that federal agencies were "spending our money purchasing race equality" was made by Murrell.

Customs, he said, have "prescribed certain rules that are just as vital to us in the south as law, although we realize the state has no segregation law to separate negroes and white people in office buildings."

Segregation – 1935

Illinois.

'Hat-In-Hand' Group In Evanston Would Bar Race

Whites Seek to Limit Population by Appealing to Jim Crow Element

A step to bar any more Race people from Evanston was temporarily blocked Sunday afternoon, after citizens, at an interracial meeting had been asked to adopt a resolution to stop more members of their race from making Evanston their home.

Evanston's present Race population was asked to assume the burden of seeing to it that no more of the Race settled there.

The resolution, the most serious step thus far taken by white Evanstonians to draw the color line, was introduced at a meeting of "leaders" of both races, called to discuss a federal housing project for Race residents. Reports of social workers and a survey, under Northwestern university's auspices had long ago indicated urgent need for better housing, but no action came.

Influential Evanstonians feared, it was explained Sunday, that a better housing project, making Evanston "more attractive," would tend to increase the suburb's Race population. It was made known that these white Evanstonians would okay better housing if the darker Evanstonians would use their influence to keep more of their Race from coming to Evanston. The restrictive resolution was presented, a Race leader, Mrs. Bessie Willis, moved its adoption, while other "leaders" registered approval.

In a heated attack, Alderman Jourdain branded the resolution an "offer for a deal" that was "an insult to any Colored man's self- respec." He said "Our people would rather do without the housing project than accept it on the terms of such a deal. No other group in Evanston would even be asked to accept local improvements for the group now living here, in return for agreeing to bar any more from coming. Surveys prove that better housing is badly needed. If our people cannot get support for improved housing on the grounds of ordinary decency and humanity, without entering into a deal like this, then you can keep your support. Colored people in Evanston are not going on record as drawing the line on other Race people, in exchange for better advantages for themselves. They ought not to be asked to do so."

Alderman Jourdain pointed out that as a practical matter, the resolution was "silly, anyway, since the only way our people now living in Evanston could bar more from coming, would be to stand at Howard street, and pick the newcomers off at the city limits. The alternative would be to send pickets South and stop the migrants at the railroad stations. Movements of populations are conditions by economic and social factors, and not by resolutions."

Rev. Olden of the Mt. Zion church after James Morton had asked for discussion of the resolution, challenged its wisdom and a motion to table it was passed.

Whites Move To Force Residents From Homes

A group of some 50 persons discussed the serious problems which members of the Race in Chicago are facing today. Chief among these are over-crowding, housing, high death rate and an increasing rate of delinquency.

The meeting was called by the department for social and civic improvement of the Chicago Urban League Tuesday afternoon at 203 North Wabash. Mrs. Emile Levy, a member of the board of the Chicago Urban League, presided and said the purpose of the meeting was to present the facts and plan a program to remedy these evils.

F. T. Lane, who has been recently added to the staff of the Urban League to direct this department, gave a lengthy discussion of the background of the residents in these neighborhoods and a clear statement of the need for cooperation of social and civic agencies.

Mr. Lane said, "In the last 30 days all kinds of neighborhood problems have been presented by members of improvement associations requesting help and cooperation in solving the difficulties which their particular community faces."

Thousands May Lose

Mr. Lane continued, "In the near North side some 4,000 Negro residents have been faced with eviction by five-day notices. The owners of these buildings are desirous of repopulating this area with white people. The Willard Neighborhood improvement association which includes the area at the end of Washington Park along 51st street, is anxious to get community backing in reclaiming the northern end of the park as a recreational outlet for mothers and children of that district. This can be multiplied by many more in other neighborhoods. It only indicates that everywhere there exist people who are willing and ready to improve the conditions under which they live and they hope to get the cooperation of the Urban League in keeping out nuisances of all kinds."

The meeting was then thrown open for discussion and many participated and promised whatever assistance they could give. As the residents told of their peculiar difficulties in their neighborhoods representatives of public and private agencies who were present pledged the cooperation of their organization.

A. L. Foster, executive secretary of the Urban League, stressed the fact that a test area has been designated in which it is hoped to measure whatever progress can be made with the intensive application of most approved social and civic programs.

23 Groups Represented

There were 23 neighborhood improvement and civic organizations represented, in addition to representatives of the churches, superintendent of the board of education City Park board, Council of Social Agencies, Provident Hospital, Board of Health, Metropolitan Housing council, Public Library, Julius Rosenwald Fund, Public Health Nursing Service.

Among those present were Miss Theresa Lynch, H. H. Postel, Rev J. W. Nicholson, Rev. Richard C. Keller, Rev. G. Hamilton Martin, Miss Frances L. Holmes, Miss E. A. Hughes, Miss Florence Nichols, Alexander Ropchan, Miss Elizabeth H. Webster, Dr. W. A. Adams, Dr. Leonidas H. Berry, Miss Irma G. Byfield, Miss Elizabeth Wood, Miss Vivian G. Harsh, Mrs. C. Rufus Rorem, Miss Margaret M. Phelan, Miss Harriet D. Fulmer, Mr. Collins, Mrs. Emile Levy, A. L. Foster, Miss W. Shirley, Miss J. Boykins and Dr. Yarrows.

Segregation—1935 Michigan.

JIM-CROW EXPONENT LOSES IN MICHIGAN

GRAND RAPIDS, Mich., April 1—The colored vote in the Third ward again proved to be the balance of power and when the smoke of battle had cleared in the April 1st election, it was found that Commissioner Henry W. Walstrom had beaten Harry C. White by 63 votes. The Negro vote in the Third ward approximates 1600 and there is no doubt but that 1300 of those voted for Walstrom. Race citizens were greatly aroused over the fact that White, eight years ago, actively stood for residential segregation when he prevented Julia and William Bennett, socially prominent race citizens, from consummating the purchase of property in a middle class white neighborhood. White added insult to injury on at least three different occasions during the campaign, by telling colored audiences that "Negroes should not attempt to live in white neighborhoods if white people objected." As a result the race men and women of the Third ward marched to the polls as if to war and thereby swung the pendulum of victory to Commissioner Walstrom. The fact that a few Uncle Toms under the selfish leadership of George W. Welsh, local white political boss, baited their votes for beer detracted but little from the splendor of the victory scored by the race.

The fight against White was led by the Progressive Voters' League, ably assisted by the local branch of the N. A. A. C. P. of which J. Edward Jones is president.

Reader Discusses Issue Of Segregation In Michigan

Grand Rapids, Mich.

The Editor,
Pittsburgh, Penna.
Dear Sir:

We the undersigned desire to offer explanation regarding the recent political situation in Grand Rapids.

Alfredo DeAllan, Stanley L. Barnette, John B. Hicks, Charles Ottilio, Maitz, Guest, Dr. Robert M. Redd, and Eugene S. Browning, M. D.

Out of fifteen hundred Negro votes, we accounted for nine hundred of them.

Readers of the Pittsburgh Courier have recently been regaled with some curious "news" about the segregation question in Grand Rapids. As a matter of common fairness the other side of the situation should be revealed.

In March, 1934, Mr. Harry C. White was a candidate for Third ward commissioner. He was indorsed by the Progressive Voter's League, but was defeated at the primary election.

In 1935 he was again a candidate. The Progressive Voter's League did not contact him. Upon investigation Mr. White learned that he was not contacted because eight years previously he signed a petition to prevent a Negro family from moving into a white district.

The curious feature of this case is that the president of the Progressive Voter's League who is also legal adviser for the N. A .A. C. P., was attorney in the segregation case. If Mr. White's stand was displeasing to him in 1935, why did he permit his organization to support Mr. White in 1934?

In Grand Rapids, as in other cities, the Negro has learned that there is power in the ballot. Unfortunately for the past three years the Progressive Voters League has been headed by professional politicians whose principal interest, as far as we can see, has been to throw our votes to the candidate making the largest contribution. The contributions, in fact, have been given more consideration than the candidates. Instead of supporting the candidates who have been friendly to our race, and those who could do the most for our city, we have been dragooned into supporting the candidates with the longest pocketbooks. This has not always been true, but it has been true in enough instances so that many of our people have lost confidence in the League.

In your issue of April 13, we were described as "Uncle Toms" acting under the leadership of George W. Welsh. Let's look the facts squarely in the face. Who is George W. Welsh and what has he done to deserve the confidence of our people?

Plenty.

He is a former lieutenant-governor of Michigan and a former city manager of Grand Rapids. To show you his attitude toward the Negroes in the whole state of Michigan, he led and carried the fight in the State Legislature to pass the existing Civil Rights Bill, that all the Negroes in the State now enjoy the benefits of; he did this although it cost him the friendship and support of some very influential State politicians who opposed the bill.

In the fall of 1932, Mr. Welsh was a candidate for the Republican nomination for governor. All colored ministers, heads of all the lodges, civic clubs, professional men and dozens of individual men and women signed a letter addressed to all the colored people of the state setting forth the many things that Mr. Welsh had done for the people. Incidentally the president of the Progressive Voters League was a warm supporter of Mr. Welsh at that time.

In the recent municipal election the fight was not for Mr. White as against his opponent, Mr. Walstrom, but for the man who had stood by us for years, Mr. Welsh. When he was city manager, members of our race held many city positions, such as assistant city physician, clerk in registration office, foreman in city wood yard, and many others.

As a race we possess many fine traits; probably the finest is loyalty. We stand by those who stand by us, whether they are black or white, Jew or Gentile. This and this only is why the colored voters of Grand Rapids stood by George W. Welsh. A majority of our voters went to the polls and voted the Welsh slate. The figures quoted in your recent article are laughably incorrect. If your informant was interested in the facts he would send you the exact vote in the predominately colored precincts, which were carried by the Welsh slate.

When our professional politicians found that our voters were for the

Missouri.

Segregation - 1935

COURT LIFTS THE RESTRICTION ON JONES PROPERTY

Ruling Does Not Affect Other Property In The Block On Cote Brilliante Avenue

A decree modifying a permanent order enjoining owners of property in the 4500 block of Cote Brilliante avenue from selling or renting to Negroes was issued yesterday by Circuit Judge Hartmann. The modified decree is effective only as to property at 4564 Cote Brilliante avenue. Judge Hartmann said it would be necessary for other property owners to intervene in the application to modify to have the retrictions lifted on their property in order to rent or sell to Negroes.

In his decree Judge Hartmann said the character of the neighborhood had completely changed since the injunction was issued eight years ago. He pointed out the injunction was a hardship on property owners as it prohibited them from selling or renting to those most likely to rent or buy. The court found there are only nine white families living in the block at the present time as compared to 50 Negro families.

The petition to modify the original decree was sought in order to permit Fred A. Jones Negro owner of 4564 Cote Brilliante, to obtain a loan from the Home Owners' Loan Corporation for the purpose of redeeming his property which was recently sold at foreclosure. Mr. Jones was represented by Atty. Silas E. Garner.

Segregation-1935

New York.

Harlem Tenants to Fight Jimcrow Discrimination

Consolidated Tenants League Will Contest the Eviction of Negro and White Girls in Court While Workers Picket Landlord Tomorrow

Jimcrow separation of white and Negro tenants by chauvinist landlords will be challenged tomorrow by Harlem and downtown workers' organizations with mass and legal actions against the attempt of the George B. Comfort Company, of 50 West 17th Street, to evict Emily Baker, Negro and Fern Pierce, white, from 317 Lenox Avenue, where the two girls share an apartment. The Comfort Company has openly stated its policy of excluding Negro tenants from the house, which is located in the heart of Harlem.

Attorneys of the Consolidated Tenants League will contest the eviction proceedings tomorrow morning in the Tenth Municipal Court, 1 West 125th Street. Meantime plans for picketing the house at 317 Lenox Avenue, and the offices of the Comfort Company at 50 West 17th Street, have been worked out by various organizations of Negro and white workers.

Delegation to Landlord

Delegates from several organizations will visit the landlord at 4:30 today to demand withdrawal of the eviction proceedings and recognition of the right of Negro and white people to live in the same houses and to fraternize. Organizations which will send delegates include the Unemployment Council of Harlem, the International Labor Defense, the Consolidated Tenants League, and the Young Communist League, it was stated yesterday.

The apartment in question was rented to Miss Pierce about two and a half months ago, and she moved in with Miss Baker. At the same time, Al Fields, a young white worker, rented another apartment in the same house and occupied it together with a Negro worker and his white wife. A 30-day eviction notice was served on Fields immediately the landlord learned that he had a Negro in his apartment. Fields moved out last Monday. The landlord then served a 30-day eviction notice and a summary dispossess, alleging non-payment of rent, on Miss Pierce.

Ask Support on Picket Line

Miss Pierce told the Daily Worker yesterday that the landlord had made no effort to collect her October rent. She added that she would fight to a finish the landlord's attack on the solidarity of white and Negro workers.

Several weeks ago when she protested to the landlord against the service of an eviction notice on Fields, Miss Pierce was told that it was the landlord's policy to keep Negro and white tenants "from mixing" in his buildings. The same landlord controls a house on West 133rd Street, which is rented exclusively to Negroes, who are forced to pay much higher rents for accommodations far inferior to those at 317 Lenox Avenue.

An appeal will be made to downtown organizations to help in picketing the landlord's office, Miss Fields said yesterday.

Segregation—1935

North Carolina

Charlotte, N. C. Observer
June 26, 1935

OPPOSE PLAN TO QUARTER NEGROES AT WHITE LAKE

Special to The Observer.

ELIZABETHTOWN, June 25.—A majority of the property owners at White Lake met at Goldston's beach this afternoon to discuss reports that the CCC camp near the lake is to be filled with negroes in the next few weeks.

Vigorous protests were forwarded to Congressman J. Bayard Clark in Washington and Gen. Manus McCloskey at Fort Bragg.

It was brought out in the protest that not one foot of land on White Lake was owned by negroes, and that the bathing beaches, hotels, restaurants, etc., catered to white people only; also that there had never been any facilities offered at the lake for negroes for bathing, boating or fishing.

Segregation – 1935

Ohio.

Race Councilmen In Cleveland Hit First Blow At United States Jim Crow Housing Project

Cleveland Citizens Fight Segregation On 3 Fronts

CLEVELAND, Ohio, Feb. 1.—The Cleveland City Council by an unanimous vote Monday night, under a suspension of rules, adopted a resolution of protest against the recent announcement that one Federal housing project here No. 1 (the Cedar-Central) would be for white people while the other project, No. 2, (Portland-Outhwaite) would be for Race tenants.

The resolution was adopted in response to the appeals of the four councilmen, Lawrence O. Payne of the 11th Ward, Herman Finkle (white) of the 12th, Dr. Leroy N. Bundy of the 17th, and John E. Hubbard of the 18th whose constituents predominate the wards. These councilmen, also authors of the resolution, also prevailed on the council to re-refer to committee, the final legislation needed to vacate several streets in the area the government's model housing units will occupy.

"We are asking you to adopt this measure in the hope that it will cause agents of the government to appear before the proper council committee and explain their stand," Councilman Payne said. Councilman Hubbard hit the movement a hard blow when he contended that it contravened the councilmen who thought that the move might be taken by the government as vindicative and might delay the start of the construction of rebuilding the slums, Dr. Bundy said that the street vacation ordinances might be used as weapons to impress on the government a realization "that it erred in ordering segregation in the housing projects."

CLEVELAND, Ohio, April 19.—While Cleveland's city council was blocking a move by Councilmen Bundy, Payne, Hubbard and Finkle to have the federal government enter into a written agreement with the city to prevent any form of racial segregation in the Cedar-Outhwaite housing project, the battle line for racial integrity and self-respect tightened in three other sectors as Race leaders and organizations launched a counter-attack against three groups alleged to have practiced discriminatory measures in their community and neighborhood welfare.

The three organizations under investigation are: the Woodhill Swiming Pool in Mt. Pleasant; the District Health Station, 2573 E. 55th street; the Schauffler School for Women, 3416 Fowler avenue.

Following numerous complaints of unfair treatment to Race children, Mt. Pleasant citizens have organized themselves into a neighborhood committee and initiated a campaign to "Make the Woodhill Swimming Pool Safe for Colored People." A vigorous protest meeting was held Sunday afternoon at the Mt. Pleasant church of which Rev. Wm. McMorries is pastor. Plans were immediately set into action to fight the matter to a satisfactory finish.

To Instruct Mothers

The District Health Center, 2573 E. 55th street, fell under the critical eye of the N.A.A.C.P. and leading citizens after several rumors got out to the effect that separate days had been set aside for the care and instruction of mothers of the neighborhood.

One of the district attendants, when questioned about the matter, claimed that Tuesday, the day Race mothers attend, was for those living within the district; that Saturday, the day white mothers attend, was for those living outside of the community; and that on neither day was a white or colored mother ever refused.

Despite this explanation there is actual avidence of discriminatory practices based on color. Several mothers backed up by the testimony of several district nurses have frequently complained of unfair treatment.

Dr. Duncan, of the health department under whose supervision are the eight health stations, asserted that he was absolutely opposed to any form of segregation and that he would gladly back any investigation to stamp out such an evil if it existed.

These health centers are supported jointly by the city and a private organization. The source of the discriminatory measures is said to emanate from the private organization, which contributes probably a majority of the funds necessary to keep the centers open.

Refused In Chapel

The faculty of the Schauffler school drew the fire of civic leaders and students alike for refusing to allow Race members of the chapel choir to sing with the group in its recent tour of six cities in Ohio.

Race leaders declare that in this situation there is a most tragic bit of irony; for the Schauffler school is not only an adjunct of the Congregational Church, a traditional friend of our group and bitter enemy or racial discrimination, but also an institution dedicated to the "teaching of religious education, Missionary training, tnd social work."

This embarrassing predicament could have been easily avoided, according to several members of the choir, except for the week-kneed faculty members who feared that the presence of Negro singers would displease Ohio audiences. In several cities people in the audience, however, inquired about the colored singers, for it was generally known that the choir was a mixed group.

Segregation - 1935

Oklahoma.

DICTUM OPINION OF APPEALS COURT INVALIDATES SEGREGATION ORDINANCE OF OKLA. CITY

JUDGE LEWIS SAYS "ORDINANCES LIKE THE ONE HERE" UNCONSTITUTIONAL

N. A. A. C. P. Studies Next Legal Move

Careful reading of the formal opinion recently rendered by the United States Circuit Court of Appeals, 10th district, Denver, in the case of L. M. Jones, J. H. Brown, Ella Smith, Eliose Broadnacks and Maud H. Maidt, show that the court actually delivered a dictum opinion in favor of Oklahoma City Negroes.

Lacked Jurisdiction

While the court held that Judge Vaught in his recent ruling on the Oklahoma City segregation ordinance, did not have jurisdiction, and pointed out that all legal remedies within state courts would have to be exhausted before federal relief could be sought, the court also pointed out in its dictum that ordinances "like the one here," and in another place "like the one here involved" have been declared unconstitutional.

Says Unconstitutional

The two decisions pointed to by the Circuit court in the opinion, as governing in the Oklahoma City case, are Buchanan vs. Warley, 245 U. S. 60, and Harmon vs. Tyler, 273 U. S. 668.

Hyde Jubilant

Herbert K. Hyde, who together with E. T. Barbour, was employed by the N. A. A. C. P. to represent the appeal of the Negro citizens, was jubilant Wednesday when shown the formal opinion of the court.

"Regardless to unofficial statements made regarding this decision, in which it was held that the city had won a victory, I knew and was fully confident that the court would not hold against us unless it was upon the ground of jurisdiction."

Has City a Conscience?

"It is gratifying, however, to know that the court would take the time to step aside from the precise discussion of jurisdiction to say 'a segregation ordinance like the one here has been declared unconstitutional.'

"I cannot see how in conscience the city can continue to enforce the present ordinance, for if and when the case is presented to the Circuit court it cannot certainly declare any in plainer or more definite language that the ordinance is unconstitutional," said Attorney Hyde.

The legal committee of the N. A. A. C. P. were studying the formal opinion this week to determine the next legal step to be taken.

Here is the exact text of the opinion handed down by the United States Circuit Court of Appeals, August 5:

"The bill of complaint in this case, dismissed on motion, is inaptly drawn. All appellants, four of them Negroes and the other a white woman, reside in Oklahoma City. The subject matter of the complaint is a segregation ordinance of the city, which broadly excludes Negroes from residing in city blocks 51% or more of the resident property therein being occupied by white persons. The ordinance also prohibits white persons from residing in a block 51% or more of the resident property therein being occupied by Negroes. It likewise contains prohibitions on the same basis against schools or places of assembly. It saves to lessors and lessees their rights under leases made prior to the passage of the ordinance, and the continuation and operation of any business as it existed at the time of its passage. It excludes white persons from the use of parks designated for the exclusive use of Negroes. It provides penalties and prosecutions therefor in the Municipal Court. It was approved by the mayor on March 6, 1934. This suit was instituted August 2, 1934, and the decree of dismissal was entered on October 9, 1934. The defendants, appellees here, are the city of Oklahoma City, its mayor, city manager, chief of police, and municipal judge. It is alleged and shown by attached exhibits that each of the plaintiffs was arrested, taken into police court before the municipal judge, found guilty of violating the ordinance, and fines and costs imposed on them. They appealed to the state district court, and their appeals were pending when this bill was filed. The earliest arrests were made in July, 1934.

"The bill seeks injunctive relief against the city and its named officers enjoining each of them from enforcement of the ordinance as against each and all of the plaintiffs and any other inhabitants of the city, whites or Negroes, and alleges that plaintiffs sue in behalf of all said inhabitants as well as in the protection of their own claimed rights. It alleges in substance that the ordinance deprives the plaintiffs of their property rights, immunities and privileges without due process of law and without equal protection of law in contravention of the Fourteenth Amendment to the Constitution of the United States and in conflict with the Fifth Amendment thereto and in violation of certain acts of Congress (R. S., Secs. 1977, 1978, 1979; 8 USCA, Secs. 41, 42, 43). It does not allege that the ordinance was passed and adopted by state authority or that it has been or will be enforced by any state officer, nor does it allege that the state has conferred authority or color of authority on any state officer to enforce the ordinance. On the contrary, it specifically alleges that the ordinance was passed by the city in violation of express provissions of the Constitution of Oklahoma, which extend to its citizens guranties like those relied on in the Constitution of the United States.

"There being no diverse citizenship, the District Court held that it was without jurisdiction, relying on Barney v. New York, 193 U. S. 430; Hamilton Gas, L. & C. Co. v. Hamilton City, 146 U. S. 258; and Memphis v. Cumberland T. & T. Co., 218 U. S. 624. There is no allegation of state action in authorizing adoption of the ordinance or its enforcement,—legislative, judicial or executive. Buchanan v. Warley, 245 U. S. 60, was an appeal from the Court of Appeals of Kentucky, which sustained a segregation ordinance **like the one here.** Harmon v. Tyler, 273 U. S. 668 was an appeal from the Supreme Court of Louisiana (156 La. 439), the later court having sustained a segregation ordinance of the city of New Orleans **like the one here involved.** Also, we think it must be that prior to the institution of the suit in the Federal Court (City of Richmond v. Deans, 37 F. (2) 712, affirmed in 281 U. S. 704), the Supreme Court of Appeals of Virginia had sustained a like segregation ordinance of Richmond in Hopkins et al, v. City of Richmond, —— Va. ——, 86 S. E. 139. **Thus the bill fails to state a case under the constitutional guaranties relied on, nor does it comply with the terms of the jurisdictional section in such cases. 28 USCA, Sec. 41 (14). See also, Home T. & T. Co. v Los Angeles, 227 U. S. 278; City of Louisville v. Cumberland T. & T. Co., 155 Fed. 725; Holt v. Indiana Mfg. Co., 176 U. S. 68.**

"We have passed without comment many formal defects of the bill. One's constitutional rights are personal to himself. They may under some circumstances be waived. Clearly there is misjoiner of parties plaintiff.

"The action of the District Court in dismissing the bill because without jurisdiction should be affirmed. It is so ordered."

RESIDENTIAL SEGREGATION IS OUTLAWED

Oklahoma City Negroes Win Right to Live Anywhere in Municipality

OKLAHOMA CITY.—Residential segregation is a violation of the fourteenth amendment, the supreme court of Oklahoma ruled this week as it came to the rescue of Negro citizens who for years have fought city ordinances barring them from certain sections of this city.

The decision of the highest tribunal of the state renders invalid the Oklahoma City ordinance which, in section one, makes it unlawful for a white person to occupy a house or a building in a block where the majority of the residences are occupied by Negroes and, in section two, prohibits Negroes from living in blocks where a majority of the residences are occupied by white persons.

No Longer Restricted

By this decision, the Negro citizens have won the right to live anywhere in this city that they desire.

For years, the white citizens of the east side have been trying to push the Negro residents from certain blocks and sections of the city so that the whites could expand into the desirable section occupied by Negroes. The Negro citizens strongly resisted this attempt to make them move.

In four decisions, the court ruled that the ordinance, which prevents Negroes from residing in a block where the majority of the residents are white persons, was in violation of the fourteenth amendment of the federal constitution

The United States Supreme court repeatedly has declined to sustain similar ordinances in other states said the opinion, written by Justice Fletcher Riley.

Reverses a Ruling

The main decision reversed a ruling of the Oklahoma county district court, which denied an injunction to Onie Allen, a Negro woman who had been ordered by the city to vacate property and had refused.

A similar decision was made in the case of F. C. Scott and others against the city. In addition, the court granted a writ of habeas corpus to W. D. Lee and Sidney Hawkins, fined $10 for alleged violation of the ordinance.

"In effect if not in purpose, that which the city authorites have sought to do, expressed in the vernacular, was to select from the discard an ordinance and attempt to find support for it by an appeal to racial prejudice," the opinion stated.

Court Invalidates Negro Segregation Ordinance

OKLAHOMA CITY, Nov. 26—(AP)—Oklahoma City's negro segregation ordinance was held invalid today by the State Supreme Court.

In four decisions, the court ruled that the ordinance, which prevents negroes from residing in a block where the majority of the residents are white persons, was in violation of the 14th Amendment of the Federal Constitution.

Law—Not Compromise

Black Dispatch

Immediately following the State Supreme court decision voiding the Oklahoma City segregation ordinance, we gave out a statement to the daily press in which we said that there never had been in Oklahoma City any radical attempt on the part of Negroes to move into remote white districts. We stated further that we felt certain that there would be no such attempt made now. 12-5-35

However, we stated that Negroes felt they had a right to natural expansion. It was for this they fought in the courts. The State Supreme court decision says in no unmistakable terms that the contention of the Negroes in Oklahoma City regarding purchase, lease, ownership and occupancy of property is correct. The decision, without any reservations, condemns the attitude of the city government and those who sponsored segregation ordinances.

In view of this fact it is strange to the Black Dispatch that local white papers should still continue to talk about special interracial committees to discuss boundary lines and for the purpose of agreeing on where white people should live and where black folk should reside.

The intimation that there might be racial conflicts under certain conditions is but to father the thought. There has not during this entire and heated controversy been any racial conflict and it seems strange in the moment of victory, in freedom of movement, that this thought would suggest itself in the daily press.

Oklahoma City

The stress and emphasis which Judge Fletcher Riley placed upon government by law should convince all sincere believers in our constitutional forms that all good citizens should submit to the fundamental sanctions written into our basic statutes. Certain it is that Oklahoma City Negroes do not want government by compromise or superficial agreements. We'll take our chances within the sacred precincts of the law.

For three years Negroes in Oklahoma City have been attempting to relieve themselves of the burdens placed upon their shoulders when irresponsible citizens went out and permitted Governor Murray to place them in a position wherein he could allege they had compromised on and agreed to a plan of racial segregation. During the recent segregation trial, when this writer sat on the witness stand for more than four hours, attempt after attempt was made to write it into the Supreme Court records that certain Negroes had agreed (for all of the other Negroes in Oklahoma City) not to extend the Negro residential zone west of Central and north of Third street.

In view of these facts we would like to see the color of the Negro's skin in Oklahoma City so assinine and lacking in discourse to reason, who would enter into debate or discussion with any person or persons regarding a residential boundary line, real or imaginary.

Instead of further discussion and agitation let us recall the words of Judge Riley, in his decision when he said:

"Pursuant to the adoption of the 13th and 14th Amendments, and as provided therein in the latter by Section 5 Congress in 1866, enacted Section 3831, Comp. Stat. 1916 which reads:

" 'All citizens of the United States shall have the same right in every state and territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.'

"See also: Section 3925, Comp. Stats. 1916, adopted by Congress in the year 1870.

"As a consequence of federal adoptions and enactments it appears conclusively that it is the seetled federal policy applicable to such legislative acts in the states as the one now under consideration, that the Negro's rights, in relation to property, will be extended to an equal and exact enjoyment of such rights as are possessed by white citizens. Since this is so, segregation ordinances based on color cannot endure. For inasmuch as the Negro enjoys the unabridgeable right to 'inherit, purchase, lease, sell, hold and convey' real estate and enjoy the use as incident of those rights exactly and to the same extent as does the white or other citizen, and since the white citizen may acquire and use property for residential purposes in blocks a majority of which are white residents, it is evident that the segregation ordinance therein fails of its purpose."

Segregation – 1935

Oklahoma.

"To Hell With The Law"

City newspapers refused to publish the truth regarding the recent segregation decision handed down by the United States Circuit Court of Appeals, until the Black Dispatch last week published the full and complete text text of the opinion, and pointed out that the court had actually included dictum which plainly said that the city ordinance is unconstitutional.

Up to the time that the Black Dispatch exposed the truth, the city attorney's office was giving out statements almost daily which alleged that the court had upheld the segregation ordinance. The court did state that it did not have jurisdiction until all of the petitioner's remedies had been exhausted in state courts, but it went further to state "ordinances like the one here involved" are unconstitutional.

Since the rendering of that opinion the authorities here have sought more viciously than ever to enforce the unlawful ordinance. Two fine citizens, who never before had been incarcerated, have been arrested and jailed.

Anticipating this, the Black Dispatch arranged with both of these two gentlement to remain in jail and we are now proceeding by the habeas corpus route, along which line we have made considerable speed. The men were released on a writ in the district court, but the judge denied them freedom when the case came up for final hearing last Thursday. Our attorney was immediately instructed to take the case to the state Supreme Court where they were again released following bonds made for them by the editor of the Black Dispatch.

On the 16th of September this case will come up for final determination. We do not know what the action of the court will be, but if an adverse decision is reached we are ready again to go back to the federal structure with the case in such shape that the U. S. court will have jurisdiction. The state Supreme Court is the last legal resort of appellants and that is where we have the case now.

It is because of this case, we have shunted by the habeas corpus route, into the state Supreme Court, that city newspapers are now hinting that the ordinance may be unconstitutional, and admit that the federal court decision did carry dictum sufficient to invalidate the ordinance.

America is supposed to be a government of laws—not of men. If authorities here continue to persecute citizens without color or shadow of law, it can be readily seen that like the Ku Klux Klan, or for that matter, Huey Long, men have seized government and set aside laws. Constitutional guarantees are not worth the parchment upon which they are written so long as this unthinkable condition exists. Somebody in Oklahoma City is saying "To hell with the law."

Prejudice At Bay

Puerile and extremely foolish is the request of the city attorney's office asking for the taking of testimony in the writ of habeas corpus proceeding now before the Supreme court. The city attorney's office knows that the learned court will not be concerned as to what people of Oklahoma City think about segregation. The State Supreme court is going to be governed solely by the law in the case. The entire matter turns on whether the law is constitutional, measured by the yardstick furnished by the federal constitution.

The ridiculous hearing has been used this week as a means to play cheap politics. Certain officials connected with the city government have already said that the hearing was only another effort to appease "those white people out there in the Second Ward," and not expected to have any influence upon the high court. In other words, when the courts have at last rendered a decision against the offending and unconstitutional statute, certain politicians will shed crocodile tears, while they point to the record and testimony they took before a supreme court refree.

The hearing, however, has been illuminating. It has identified a lot of members in the Anninias society. Take, for instance, certain lawyers connected with the case, who swore this week on the stand that they knew nothing about Judge Cottrell's decision in 1923, at which time he voided a segregation ordinance then in force in Oklahoma City. Men who at that time were connected with the legal department testified that they knew nothing about it and what Judge Cottrell's decision actually was.

The same individuals testified that they were equally lacking in information regarding the case governing all of the segregation litigation. When attorneys for the city mentioned "Buchanan vs. Warley, City of Louisville," none of these persons, who previously alleged they had given much scientific study to racial zoning and city planning, had ever heard very much about this case. Their mind was very vague on this important federal decision.

A former probation officer testified that he was terribly distressed because of complaints coming to him while he served as probation officer, of Negro boys chasing white girls in the zone where the Negro and white populations joined. When asked to make more definite statements, the officer could not name an arrest he had ever made for such disorderly conduct, and he finally admitted that he had never filed such a charge against a Negro. All of his terror began and ended in the kingdom of rumor.

A learned assistant to the county attorney took the stand and testified that there was much sex co-mingling of the races before the passage of the ordinance, but he finally had to admit that all of the cases which came up in his court were those of adult Negroes who had met white girls in dance halls where the men served as orchestra players. What did that have to do with segregation? White dance halls are not in the twilight zone under discussion. They are, every one of them, located in sections of the city where there exists nothing but "white" problems. One does not have to deprive all Negroes of property rights in doing away with the practice of having Negro orchestras play in white dance halls.

This argument, however, is the weakest one that white men present, and it is one that every white woman in Oklahoma City should resent. Why should white men want to argue that it is necessary to keep white women out of the range of Negro men in order to protect them? Inadvertently does not this picture remake the Negro? We are used to an argument about "big, black, burley Negroes," and always with the accompanying propaganda seeking to show that such a person is offensive and very ugly. The argument of the segregationists Monday is to the effect that "big, black, burley Negroes" are very attractive, and that white women easily fall for their charms. We have always known that white men fell for Negro women's charms, but it is a bit damaging to white supremacy to place it in the records that laws must be passed and all sorts of barriers erected in order to prevent white women from seeking the association of Negro men.

In fairness to white women, we do not believe that this is true. It is a little unusual for a Negro man to have to defend the integrity and honor of white women against the beliefs of white men, but we make this statement here and now that we believe white women can retain their self-respect and honor, even in the presence of, and contact with Negro men.

All sensible people will realize the ridiculousness of a position, and we repeat, this sort of argument ought be resented by every red-blooded honorable white woman in Oklahoma City. We wonder what the white women in Oklahoma City will have to do to protect the white men against the Negro women?

Almost every witness admitted, however, that their real reason for wanting segregation was for the purpose of realizing property values. "When the Negroes move property values fall." was almost the unanimous verdict of all the city's witnesses. Well, there will be just any whites who will go on the stand Friday and testify the opposite opinion. Certain it is that rental values in area on Fifth and Sixth streets have not fallen. A prominent white landlord said to this writer recently, Negroes pay better than whites and are more honest regarding their payments. I know that they are not as damaging to the physical property as are the average white

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families we rent to."

But listen to Mrs. Peggy McEwen, in charge of the federal relief, Oklahoma county. In a recent meeting attended by prominent Negroes of the city, Mrs. McEwen said that to her surprise, rents in the Negro area, where whites rent to Negroes, are higher than in sections of the city where similar types of property are rented to whites.

Mrs. McEwen said the reason she knew this, developed out of the fact that the government was paying rent for many whites and blacks in Oklahoma City, and in this way she made this important discovery.

Almost every foot of property Negroes have purchased from the whites in the Second Ward has been contracted for at a price from one-third to twice as high as the same property could have been sold to a white person. This is the common knowledge of everyone who has lived in cities where racial expansion must be made, as in Oklahoma City. The very opposition made towards expansion raises the value far above any phantom decrease roaming around in the prejudiced minds of Oklahoma City psychology.

The only way one could show depreciation would be to prove that property rented and sold for less within a given area. Every contract for sale of property and rental of property in the area under discussion nails such a statement as a complete fabrication.

It is refreshing, however, to know that after the city attorney's office gets through with its political meeting at the capitol, the learned judges of the State Supreme court will proceed to determine the constitutionality of Oklahoma City's segregation ordinance.

SEGREGATION ORDINANCE FACES TEST IN SUPREME COURT BEFORE REFEREE; TRADING CHARGED

WHITES SWEAR NEGRO BOYS CHASED WHITE GIRLS IN BANNED AREA, BUT NO CHARGES FILED

Name Negroes Who Say They Are Satisfied

Charges that Negro boys were chasing white girls in the alleys of the affected area, and that property values had slumped in the Second Ward of Oklahoma City, were made by witnesses representing the City of Oklahoma City, in the State Supreme court Monday during the course of a hearing before Marion J. Northcutt, referee appointed by the Supreme court.

The city attorney's office asked for the hearing recently, following the granting of a writ of habeas corpus by the court to Sidney Hawkins and W. D. Lee, who were arrested under the segregation ordinance of the city and fined in police court. Jack Page, attorney, represented Hawkins and Lee, while the city's case was presented by Harlin Deupree and Ralph May.

The Hawkins case is one instituted by the Black Dispatch in an effort to hurriedly test the constitutionality of the city ordinance, and circumvent the needless delays as evidenced in other actions which followed the injunction route. The case was officially taken charge of by the Oklahoma City Branch of the N. A. A. C. P. in a special meeting held Sunday, at which time both Rev. Roker, president, and Mrs. W. E. McMurray, president of the Women's Auxiliary, were present.

It was evident from the moment that Phil Daugherty, assistant county attorney, took the stand, that an effort would be made on the part of the city government to say that covenants had been entered into between the whites and the colored in the area, not to encroach upon designated territory of the other.

Daugherty declared that at the time of the Bryant school controversy an agreement was reached between the whites and the Negroes, in which it was understood that in return for getting Bryant school Negroes who represented a Negro business organization, agreed that the Negro population in Oklahoma City would not seek to expand west of Central or north of the alley between Third and Fourth streets.

"Who were the Negroes who entered into the covenant?" asked Attorney Page.

"George Ragland and Dr. Haywood," declared Daugherty.

"Was Dr. Bethel in that meeting?" asked Page.

"I don't remember," said Daugherty.

Daugherty then argued, while being prompted by City Attorney Deupree, that the movement of the Negroes northward was a breach of a covenant which he said Ragland and Haywood were parties to.

"Does the city school board have any record of any such covenant that you know of?" asked Page; "Was it put into writing?"

Daugherty wasn't certain on this point.

"And yet you want this Supreme court to believe in the existence of a covenant that you are not certain of yourself or to which there is no written record of which you know," averred Page.

Daugherty said he had learned that the case of Buchanan vs. Warley was "a trumped up case," and he said that the ordinance declared unconstitutional at Louisville "does not apply in this case."

"There is always a decrease in property values if there is a comingling of the races," declared Daugherty, but he declared that he did not remember asking the governor to declare martial law in Oklahoma City during the Murray administration. He said Governor Murray had been told property values had decreased in the area which the governor banned, but Daugherty was not certain who gave the governor this information. He said that at one time while discussing the matter with Governor Murray, Sheriff Stanley Rogers was there at the request of the governor.

"No, I do not know anything about that decision," declared Daugherty, when asked whether he knew anything about the decision of Judge Cottrell, of the Federal court, Western District of Oklahoma, who in 1923 declared a segregation ordinance unconstitutional, which at that time was being enforced by the city council of Oklahoma City.

Daugherty said that since the passage of the ordinance many Negroes had expressed pleasure in its passage.

"Name some of the Negroes who were pleased," requested Page.

"Well, Dr. Bethel said it was a good thing. He said the ordinance was a good thing and that Negroes should stay in their place."

"Who else?" persisted Page.

"Well, a man who runs a metal and iron works said he thought segregation all right, but that the Negroes should be given a fair deal."

Daugherty declared that there were many more cases of illicit relationships between young white women and Negro men since the movement of the Negroes northward in the Second Ward than ever before.

Daugherty said trouble started when a Negro bell-hop moved into a house in the 600 block on East Sixth street, but he admitted under examination that the cases he referred to were where Negro orchestra men met white girls in the white dance halls where they played.

"The records in our office show that two white girls have been convicted for having sex relationships with adult Negroes," Daugherty declared. He then stated that he believed that co-mingling of the races had great effect upon social welfare.

"When Negroes go into a neighborhood they at first pay very well for a while and then they get lower and lower," Daugherty declared. He said the ordinance was passed to take the place of martial law instituted by Governor Murray.

Discussing his notions about rift and bloodshed, which was referred to by Deupree as eminent just before the passage of the ordinance, Daugherty said that after the Negro bell-hop moved on Sixth street he was informed that "a couple of carloads of big Negroes armed themselves to see that no harm came to the bell-hop."

"I did not see this myself, but I was told it happened," said Daugherty.

The assistant county attorney declared that there was plenty of land for Negroes to expand outside of Oklahoma City, but a smile broke on the faces of many when outside the corporate limits and when Negroes purchased property north of the capitol building.

Segregation – 1935

Oklahoma

Councilman Henderson vs. 'Social Problems'

The Black Dispatch
Oklahoma City, Okla.
1-27-35

Councilman Henderson always puts his foot in his mouth whenever he arises to speak. Last week he broke into print with a statement which indicated property of white residents in Oklahoma City would be depreciated if Negroes happened to pass by their dwellings on their way to Hassman park. Assuming that there is some logical ground upon which Mr. Henderson stands, we are going to be sympathetic enough to assume that he lost his mental balance and his reason was depreciated during the campaign electing him to office when he was forced to stand in close proximity to Negroes asking for their votes. You remember old Ben Tillman's philosophy, "You can't monkey with pitch without getting some of it on you."

Now comes Councilman Henderson into the city council to inform his colleagues that he fears to allow a sociologist to study the Negro housing problem in Oklahoma City because "he might look at the matter purely as a social problem."

Councilman Henderson ought to know that any question relating to human society is a social problem. God has congregated people here on this earth and any plan having to do with their behaviorism and mutual relationships is in its very nature a social problem.

We, of course, understand and know that Councilman Henderson was attempting in his feeble way to separate human rights from property rights. His god is property. He sees every value vested in the physical. He is an exponent of the materialism which has the white races of the earth today clutching at one another's throats.

One can see that this is the philosophy which controls and dominates Councilman Henderson, because he spends most of his time talking about how many dollars will be lost if so-and-so is not done. It perhaps never occurred to him that the rights of humanity are far superior to any physical values he might have in mind.

Take, for instance, the problem out at Booker Washington park. The council seems to be interested solely in an offset well, so that the city coffers will not lose a few dollars in oil profits. No thought is given to the loss which may come to the city through depriving Negro boys and girls the privilege of clean, wholesome recreation. The stark truth is that one cannot separate human rights from property rights without doing damage to both.

In this particular instance the city turns Negro boys and girls out into the alleys and other utterly unwholesome environment for recreation. The mind of the city is centered solely on oil and property values. Total disregard is given to the demoted citizenship which may develop criminals later most costly to the city as measured by its jails, penitentiaries, costly trials and, last, but not the least, the contaminating influence demoralized Negro youth is bound to have upon white youth.

Man's moral and emotional conceptions are wrapped up in his soul. The individual who attempts to destroy the opportunity of other people to develop spiritually and along all human lines, does more damage to himself than he does to the other fellow. If dominant groups could but see this point of view there would be less attempt to strike a line between human and property rights. If the Oklahoma City council could catch this view it would immediately admit Negroes to Hassman park.

The finest picture we have ever seen of demoralization and ruin coming to the individual nation which forgets that the profits of a state is in the making of men, comes from England. We are told that in a little town in England there is installed in a public square a captured German cannon. On one side of this cannon is inscribed the names of the boys from that English village who died while in battle, capturing this cannon. On the other side of this engine of death is inscribed the name of the British firm which manufactured this cannon and sold it to the Germans.

Do you get the picture? To carry the thought a little further, perhaps some of the boys who died worked in the arms factory which constructed the gun which later destroyed them. Everybody in England was busy making material profits when that gun was constructed. It was an engine of destruction intended for the other fellow so why should not the English make profits?

Negroes in Oklahoma City are going to have recreation —profitable or unprofitable recreation. The city council may offer the streets and the alleys for playgrounds while white children race on the well kept lawns of Lincoln park and a dozen other tax-paid pleasure resorts, but sooner or later all of us are going to realize that such selfish disposal of a serious social problem will in the end find us facing the awful catastrophe pictured in the little English village whose god was a dollar.

The Black Dispatch
Oklahoma City, Okla. 7-20-35

Parks Vs. Segregation

Recently we were called to a home on Laird street, where Negro children filled the street and the yard of the home. A picnic had been planned for these Sunday school scholars, but at the last moment the park department had decided that Negro children could not picnic at the city park site, located on the banks of Lake Overholser. It is against the policy of those who now control Oklahoma City to allow Negroes to use parks where white people recreate, or to have one of their own.

Contrasted to this inhuman attitude on the part of those who are in control in Oklahoma's capital city, is the more liberal interest shown in its Negro citizenry in other sections of the state, where Negroes are given parks and every sort of accommodation for recreation. Take, for instance, Tulsa. We visited a recreation center in Tulsa, provided for Negroes by the city government, last Sunday. It is the old Berry playground, where swimming, dance hall, bandstand and all forms of recreation are provided. This is within the city limits and has nothing to do with a larger park maintained by the city outside the corporation for Negroes.

We made an address last week in a beautiful park at Ardmore, provided on a fine hilly slope, with well kept lawns and driveways. A large bandstand stood in the center of the tract, and it was one of the most ideal park sites we have seen in Oklahoma. Even little Bartlesville, where we spoke Monday, has provided park facilities for its Negro citizenry. We can hardly name a town in the state, including the little town of El Reno, where the white people are not civilized enough to give their submerged tenth a park.

Of course, there is a reason for Oklahoma City's seeming indifference to its Negro population. For the past ten years an un-American organization known as the Eastside Civic Club, has sought to segregate the black black people of this community. Negroes of this city have demanded their constitutional rights to own and occupy property. In face of the federal laws on this subject, this organization has influenced city government to pas an ordinance, which every white person in the capital who is not a fit subject for an insane asylum, knows is unconstitutional. Most of the city officials will admit it is unconstitutional, when speaking off the record, but because they are cowardly politicians, they burden Negroes with such a law. They force us into the courts to costly trials, where after several years of litigation the city will be told over again that the law is invalid.

There is, however, a fine lesson for Negroes in the attitude of those who govern Oklahoma City. All who know the underpinning of things, realize that the Eastside Civic League is feared because it votes, and votes solidly together. Negroes do not do such strange things. When election time comes, Negroes split into a half hundred different factions, led by hungry charlatans among their own group—men who would steal money off a dead man's eye. The white people of this community know this. That is the reason why they fear the white vote and laugh at the Negro confusion at election time.

But back to the question of parks, or the absence of parks over on the Eastside where Negroes live. We have no parks because white influences by this method seek to force black folk to abandon their fight in the federal court.

Segregation - 1935

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The Black Dispatch
Oklahoma City 7-20-35

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Negroes in this city are testing again the validity of segregation. Soon a verdict will be rendered on this question. It would be unfortunate were Negroes to assume that parks were more important than the fundamental privilege vested in freedom of movement.

Hypocrites

Black Dispatch
Oklahoma City, Okla
8-29-36

Few Negroes in Oklahoma City will pay any attention whatever to the attempt of the city attorney's office in distorting the decision of the United States Circuit Court of Appeals, conveying the idea that an unfavorable opinion has been rendered by the court on the question of segregation.

The approach of the city attorney's office for the past two years to this question has been wholly dilatory. This has been the attitude both in federal and state courts. In every instance the city has fought against the case being heard upon its merits. The only time when the municipal counselor has talked loud was when he discussed procedure and questions of jurisdiction. It has been plain to everybody who has discourse to reason, that delay and procrastination were the only two forts behind which the segregation ordinance hides.

First the city alleged that Judge Vaught did not have jurisdiction. It was argued that every legal remedy must be exhausted in the state courts before federal jurisdiction could enter. This is the view taken by Judge Vaught, and this view has been sustained by the appeals court.

In the meantime, while we have been awaiting this decision, three cases have been started in the state court; one via habeas corpus, another on appeal from a police court fine, and still another based on the theory of injunction.

In every one of these cases the city attorney has entered dilatory pleadings. This individual has come into court and expressed the opinion in each instance that the cases were improperly filed. Never, in any one of these cases has he been willing to face the issue on its merits.

An amusing instance of hypocrisy developed this week when two Negroes offered to go to jail following arrest upon charges that they had violated the segregation ordinance. To have been arrested and jailed would have permitted habeas corpus proceedings to apply. These two Negroes refused to make bond. Police officials, after consultation, tried to persuade these two defendants to sign their own bond, and when they discovered that both citizens were too intelligent to be led astray, while their attorney was away, they hurried them up into the police court, without counsel, whom they knew had been employed, fined the men and suspended sentence. Something is wrong when white folk get wary about putting Negroes in jail.

All of this was done to avoid placing the men in jail where under their constitutional right to habeas corpus proceedings the segregation case would be forced out in the open on its merits. In this one instance the city shows its weakness and lack of belief in its own ordinance.

Ask yourself this question: Why does the city fear to have the ordinance tested on its merits? Instead of fearing the statute, and getting alarmed because of the decision of the Appeals court, which merely says in effect, "You did not come in court right," Negroes should redouble their efforts to go to jail under the penalties imposed by the ordinance.

The Black Dispatch cannot speak for the local branch of the N. A. A. C. P. as to its future course in the case backed by the Association in the Federal court. The attorneys employed will have to read the formal opinion before a definite course can be charted. One thing we know before we read the opinion, and you write this down: The Appeals court did not render an opinion on the merits of the offending city ordinance. It merely passed upon jurisdictional questions.

It is a disgusting picture in the realm of morals and equity when we find helpless citizens clamoring for fair and speedy trials in the courts, and those charged with the enforcement of law adopting every subterfuge in the universe to thwart the intent and purpose of the judiciary.

Segregation - 1935

Oklahoma

Segregation Fight To Continue Says Herbert K. Hyde

N. A. A. C. P. May Shift To State Court Battle

"You can rest assured that the Appeals Court did not pass upon the validity of the Oklahoma zoning ordinance," declared Herbert K. Hyde, attorney for L. M. Jones and other Negroes joined in an injunction suit against the city of Oklahoma City, following advises Wednesday night that the Denver Court had held against the appelants.

"The validity of the ordinance was not even before the court," declared Hyde. "The only question involved was whether the federal court had jurisdiction before the appelants had exhausted their remedy in the state courts," Hyde continued.

Judge Edgar S. Vaught held some time ago that he did not have jurisdiction in injunction proceeding brought by Jones et al, and the case was appealed from this decision.

Three cases are now on appeal in state courts, following the procedure suggested by the Vaught decision. One follows the habeas corpus route; another follows an appeal from a fine in the city court and still another is an injunction suit instituted in state courts.

"We know what the final decision will be when we finally try this case on its merits , and we will not be disturbed by false propaganda as appears in local papers," declared editor Roscoe Dunjee, president of the Oklahoma branches of the N. A. A. C. P., when shown a purported statement from the city attorney, in which the official intimated that the court had passed upon the constitutionality of the ordinance.

"Shoving us into state courts will be the means of delaying the final decision, but we may find another route more hurried than some folk think," Dunjee continued.

A meeting will be held by the local N. A. A. C. P., at which time decision will be made as to whether to institute an appeal from this decision or to shift support to one of the state cases which can be appealed to the federal court after state relief is exhausted.

"Twice Put In Jeopardy"

On July 19 of this year, Judge George Giddings made permanent an injunction asked for against the city by Dr. H. S. Palmore, who had been arrested by the city authorities, charged with the violation of the city's segregation ordinance.

Following Dr. Palmore's arrest he was fined and he immediately appealed his case to the district court, at the same time asking the court to prevent the city from re-arresting him on the same charge, until such time as the original action could be heard on its merits.

Judge Giddings at the time of making the injunction permanent declared that Dr. Palmore was the only Negro who had followed the proper procedure in segregation litigation. He stated that his case was on appeal and that he felt that he had asked for the injunction in good faith. To further persecute Dr. Palmore with arrests while his case was on appeal was classified as unjust and unduly burdensome by Judge Giddings.

We think that Judge Giddings' reasoning was sound and logical. To arrest a person twice for the same offense before the courts have adjudicated the first cause of action, is to our viewpoint lacking in integrity and unduly onerous and burdensome.

Article 5 of the Federal Constitution reads in part:

". . . nor shall any person be subjected for the same offense be twice put in jeopardy . . ."

Based upon this guarantee of the constitution to its citizens, municipalities have no right to pass ordinances providing for the daily arrest of citizens on a charge at that moment on appeal in the courts of the state. Nothing could be further from equity and right than such procedure.

Judge Giddings, however, saw fit to suddenly reverse his ruling on this subject last Friday, and out of a clear sky, and without previous warning to Dr. Palmore, Judge Giddings dissolved the injunction. The effect of Judge Giddings' abandonment of the injunction was to turn loose upon Dr. Palmore the minions of hate in Oklahoma City so that this week another warrant was issued for his arrest, for which in police court he was again fined. We presume that every day hereafter the police will be knocking on Dr. Palmore's door in violation to the guarantees of the Federal Constitution.

We do not know what was in the mind of Judge Giddings when he reversed his ruling. He perhaps has developed some interpretation of the law which we do not have in mind, but we do say that the effect of his ruling is to take away from Dr. Palmore constitutional rights.

If the city government wants to be fair it will await the ruling of the district court in this case. To arrest citizens daily for the same offense, which has not yet been determined, classified and characterized by the court as a violation of law, and which these persecuted citizens have in good faith sought to have the courts determine, is a species of terrorism and intimidation which would not be tolerated if all persons concerned were white.

It is our general information that a white citizen far removed from the area where Dr. Palmore lives, is the complaining witness, which in itself should be sufficient proof to the court that the attack on Dr. Palmore is not being made in good faith. Courts, in our opinion, should take cognizance of all such factors as this when determining whether to place the life and liberty of citizens in jeopardy.

And while we are on this subject, we want to talk about some more ill faith on the part of the city. True it is that we have a segregation ordinance in this municipality which on its face says that Negroes shall not live and do business in the white section of the city and that likewise white persons shall not live and do business in the Negro section.

Since the passage of this ordinance it is the open knowledge of Negroes that more white men have opened business establishments in the Negro area than ever before. Right at this moment two beer parlors and one night club, owned by white men, are being operated in the Negro district. The Black Dispatch insists that these white men have the right to operate down in the Negro district, just as do the Negroes have the legal and constitutional right to live, occupy, own and otherwise exercise property rights in any section of the city. We would be the last person to say move the white folk out because we believe they have the right to do business anywhere upon the top side of the soil in America.

But our opinion has nothing to do with the inconsistency of a city government which says that this shall not be done, and then persecutes Negroes for doing the thing white citizens may have the unmolested right to do. Almost every oil company has white men, some with their families, living day and night in the Negro section. This is occupancy of property under the meaning of the segregation ordinance.

As we said at the outset, we agreed with Judge Giddings when he ruled that Dr. Palmore should not be arrested daily while his case was on appeal. Poor, destitute, workless Negroes should be protected by the courts. There can be no peace, tranquility and happiness in such an intolerable atmosphere.

"Like The One Here Involved"

How the mayor, city council and manager can continue in conscience to enforce the city's unconstitutional segregation ordinance is now beyond belief. Lying on our desk at this moment is a copy of the formal opinion delivered by Judge Lewis, of the United States Circuit Court of Appeals, 10th District, in which the court held that it did not have jurisdiction until after the appelants had exhausted all of their remedies in the state courts.

So well and so good for that. There can come no criticism of the lawyers who handled the case for the reason that another federal judge agreed back in 1923 that he did have jurisdiction in a similar action, wherein Oklahoma City Negroes went direct to the federal structure without encountering the dilatory tactics of state courts. Judge John H. Cottrell had an entirely different idea about the authority granted federal courts by the Constitution than has Judge Vaught. It is, however, their right to disagree, and when two judges disagree, no one can object when lay citizens standing on the sidelines refuse to believe that both judges are right.

But the United States Circuit court in addition to announcing that it did not have jurisdiction, did something very unusual and, in fact, startling. Written into Judge Lewis' opinion is understandable dictum which should forever and a day set at rest the question of whether the Oklahoma City ordinance is unconstitutional. The dictum statement says the ordinance is void.

What is the mayor, city council and the manager going to do about it? Will they now continue to enforce this vicious legislation? While dictum in an opinion does not have legal effect, it should have moral influence. Will the mayor, city council and the manager continue to cause the arrest and imprisonment of honest, hard-working citizens with its resultant embarrassment, expense and harrassment?

There can be no further integrity in the conduct of a city government which will ruthlessly and arbitrarily overlook the dictum statement which reads "a segregation ordinance of the City of New Orleans, LIKE THE ONE HERE INVOLVED," has been declared unconstitutional by the federal courts.

Twice in the opinion of Judge Lewis is this language employed. The case of Buchanan vs. Warley, Louisville, Kentucky, is referred to, and this case was one that passed up through the state courts and was finally passed upon by the Supreme court of the United States. It was declared unconstitutional. In Judge Lewis' opinion he says this ordinance also is "like the one here."

The more we read this opinion we feel certain that Judge Lewis considered that even though he did not hav jurisdiction to pass upon the merits of the case at bar, the issue was sufficiently important for him to feel that h should point out in his opinion ordinances like the one on the statute books in Oklahoma City were unconstitutional.

Judge Lewis' opinion is constituted in four paragraphs. It is elsewhere published complete in this issue. We want you to read it in its entirety, and then consider why the Appeals Court would include paragraph three without intention for it to have directive affect and moral influence upon the future conduct and actions of the city of Oklahoma City. The court adequately and sufficiently gave its grounds for denial of jurisdiction in paragraphs one and two. Paragraph three has "intentional" dictum which the city cannot ignore.

In order that our readers may know in this column the court's statement in paragraph three, it follows:

> "There being no diverse citizenship, the District Court held that it was without jurisdiction, relying on Barney v. New York, 193 U. S. 430; Hamilton Gas, L. & C. Co. v. Hamilton City, 146 U. S. 258; and Memphis v. Cumberland T. & T. Co., 218 U. S. 624. There is no allegation of state action in authorizing adoption of the ordinance or its enforcement,—legislative, judicial or executive. Buchanan v. Warley, 245 U. S. 60, was an appeal from the Court of Appeals of Kentucky, which sustained a segregation ordinance LIKE THE ONE HERE. Harmon v. Tyler, 273 U. S. 668, was an appeal from the Supreme Court of Louisiana (156 La. 439), the later court having sustained a segregation ordinance of the city of New Orleans LIKE THE ONE HERE INVOLVED. Also, we think it must be that prior to the institution of the suit in the Federal Court (City of Richmond v. Deans, 37 F. (2) 712, affirmed in 281 U. S. 704), the Supreme Court of Appeals of Virginia had sustained a like segregation ordinance of Richmond in Hopkins et al. v. City of Richmond, —— Va.—, 86 S. E. 139. Thus the bill fails to state a case under the constitutional guaranties relied on, nor does it comply with the terms of the jurisdictional section in such cases. 28 USCA, Sec. 41 (14). See also, Home T. & T. Co. v. Los Angeles, 227 U. S. 278; City of Louisville v. Cumberland T. & T. Co., 155 Fed. 725; Holt v. Indiana Mfg. Co., 176 U. S. 68."

Segregation—1935

Oklahoma.

Vote For J. E. Taylor

"I'm going to vote for this ordinance this morning even though it costs me every Negro vote in town."

This was the language employed by Councilman J. E. Taylor in September 1933, just before he voted for the vicious segregation ordinance which disgraces Oklahoma City today.

Today, Councilman Taylor, now a candidate for mayor, has the East Side district, where Negroes reside, plastered with cards, asking that Negroes cast their votes for him. Perhaps Councilman Taylor, when he made the emphatic statement just before voting for segregation, was thinking of that old adage:

A white man never forgets an insult;
An Indian never forgets an injury—
A Negro forgets both.

To prove the force of his logic one can find two or three Negroes standing around on the East Side stating that they will vote for Councilman Taylor. Of course, in each instance, such an individual is one who has been the recipient of some favor since the aspirant for mayor has sat in council. These are the Tories who are always thinking about the "thirty pieces of silver."

Councilman Taylor, when voting for segregation, did not vote with his eyes closed. In fact, they were very much open. He knew when he voted for the unconstitutional statute that the Supreme Court of the United States had said in no uncertain language that no such law could be passed.

To make sure that Councilman Taylor would be fully advised, this writer appeared in person before the City Council on the morning when the ordinance was passed, and discussed at length the Louisville decision, and read to the assembled councilmen important portions of the Supreme Court decision.

Here is a portion of the decision which we read that day, and which fell upon the deaf ears of Councilman Taylor:

"4. A city ordinance which prevents the occupancy of a lot by a colored person in a block where a majority of the residences are occupied by white persons, thereby preventing white persons in such block from selling property therein to Negroes for residence purposes, is not a legitimate exercise of the police power of the state."

Only persons fit for the insane asylum could get confused as to the effect of this language used by America's highest judicial body. In one simple paragraph the question of "occupancy" and "ownership" is dealt with in such terse and understandable language that any child in grade school can understand.

And Councilman Taylor understood then, and knows now, that the segregation ordinance in force in Oklahoma City is in direct violation of the constitution of the United States. He knew then, and he knows now, that when he voted for this ordinance he disregarded his oath of office, for before he was inducted into office he swore he would uphold and defend the constitution of the United States.

This writer sat in Councilman Taylor's office several years ago, when the McKay Funeral Home location was being fought by the Eastside Civic League. We went there at the request of Councilman Taylor, and in company with Rev. L. C. Cleaves, pastor of the Cleaves Memorial Temple, this city. Interested citizens should get in touch with Rev. Cleaves and let him tell you how abrupt that conversation and conference ended, following Taylor's declaration that McKay should move from the property he had bought at Fifth and Phillips.

It was Councilman Taylor who sat in a conference with Negroes in Manager McRill's office and repeated rumors he had heard regarding trouble if the Negroes went to Hassman Park. It was following this phantom trouble that Governor Murray issued an order preventing Negroes entering the park.

It was Councilman Taylor, who when he ran for re-election, refused to answer E. A. Jackson, who wanted to know Taylor's views on segregation. Taylor stood in silence, hiding behind a chairman who alleged that he did not care to have the speaker interrupted.

With such a record comes now J. E. Taylor and asks the Negro for his vote. In 1933 he said in the council chamber he would vote for segregation of it cost him every Negro vote. This writer can state here and now that Mr. Taylor's vote on segregation has cost him one vote, which is the vote of the writer. We believe further that when the poll is taken in the Negro wards he will find a positive trend in the direction we have just indicated.

"No Compromise," Says N.A.A.C.P. In Segregation Case

The Oklahoma City Branch of the N. A. A. C. P., in view of the many misleading statements recently appearing in the daily papers, regarding the Negro housing problem in Oklahoma City, has decided to make a formal statement to the public regarding the status of its present fight against segregation and the attempt to prevent Negroes from the freedom to purchase property in Oklahoma City.

In the recently published statements the public has been led to believe that a new addition has been secured some ten or twelve miles from the city, and that on such a site, or in said addition will be found the solution of the Negro housing problem in Oklahoma Cty.

While the Association has no complaint to make against the lawful sale of five or ten acre-tracts or lote to Negroes anywhere in Oklahoma county, it does register its complaint against the suggestion that such a plan will relieve the present acute housing problem in Oklahoma City, and that the published plan has been accepted as a compromise with the city on segregation.

Many Negroes because of the articles appearing in the daily papers, have even been led to assume that th fight now being waged in the federal colrts, will be abandoned, and that the N. A. A. C. P. has agreed to such a plan.

The Association desires the citizens of Oklahoma to understand and know that the segregation case now pending in the United States courts will be vigorously prosecuted. The case is now docketed in the Denver court and the Association attorneys expect during 1935 to win another decision, identical with the case of William Floyd, which the local Association won in 1923.

Oklahoma City, Okla.
OKLAHOMAN
APR 7 1935

And Now What?

BY electing A. J. Moore to the city council the voters of the second ward decree that the Negro population shall not move much further north than the present limits of the Negro district. But the second ward's verdict does not settle a vital issue. It is everywhere recognized that the Negro population must expand in some direction. Now that progress to the north has been forbidden, in just what direction shall Negro expansion proceed? The city faces few, if any, problems more important than this and it is a problem that must be faced and solved at no remote day. It will be a great thing for Oklahoma City if this problem can be settled amicably and satisfactorily. It would be a fine thing for the city if the authorities would give as much attention to this vital issue as they give to other issues of far less importance.

So Much Horse Play

Naming a committee to study the Negro housing problem in Oklahoma City is just so much horse play. Everyone who knows the objectives and intentions of the men on the council who sponsored this motion, realize that the purpose of this move is to shelve the matter indefinitely. In fact, the chairman of the committee was elected on a platform calling for absolute and complete segregation of Negroes in the Second Ward, south of the line designated in the illegal segregation ordinance.

In addition to the fact that all of the 44,000 inhabitants of Ward 2 know intimately of the existing congested condition, the city council has in its files the Hare survey, the August survey and the very comprehensive detailed statement of Irvin Hurst, Times reporter, who gave the matter much study in 1934 and published his findings. The truth is, that anyone who wished to be fair could make his decision in only one way following the perusal of the newspaper stories published in the Times under the signature of Mr. Irvin Hurst.

At the bottom of this whole matter rests cheap politics. There is not a city councilman down at the city hall who does not know that the Negro is being given an unfair deal. Every one of them knows that the present city ordinance is unconstitutional, and that at best all that can be accomplished is delay. There is not one down there who if he thought he would not become anethma to the illegal segregationists on the Eastside, would immediately vote the un-American ordinance off the statute books.

Everybody knows that there are more human beings per acre in the south end of the Second Ward than anywhere else in Oklahoma City. No one knows this better than the gentlemen of the city council. All of these gentlemen know that since the advance of the oil derricks northward this area has become more restricted and housing accommodations severely limited. We repeat: What is there for Councilman Moore's committee to study?

All of this tommy-rot about the Negroes moving out into the Packingtown lowlands and other undesirable mosquito bends near the city should not be tolerated by any thinking person, regardless of race. The Negroes of this city have built their schools, churches, theatres and their large business district in the Second Ward in Oklahoma City and there these structures are going to remain. The proponents of property rights ought to take a sly peep at what they would be doing to Negro property rights, in an effort which moved Negroes completely away from this vast investment of public and private money.

Contrary to Councilman Henderson's view about white people being the first residents of the Second Ward, we would like to call his attention to the fact that Negroes were the first residents east of the Sante Fe. This fact should have nothing to do with the adjudication of the matter in hand, but it is just this sort of misstatement of fact which has this entire matter in the shape we find it today. This writer used to herd his father's horses in the gully where W. T. Tucker's undertaking establishment is today in the early days when J. D. Randolph and the Rogan family, both Negroes, were the only residents east of the Santa Fe. About the same time Allen Wadkins, another Negro, went up on the prairie near Eleventh street and bought a home. He's there now, the only resident living north of Eighth street and east of the Santa Fe at the time he located there.

As we said a moment ago, this talk of priority of residence should have no presence in this argument. We only state these facts to show how far aside from fact and truth some people will go to establish their viewpoint.

Since the committee has been named and doubtless will make some gestures at study, we suggest that they take for their base the fact that the problem is wholly of their making—not Negroes. There is nothing to prevent white people from extending their end of the town on up to Guthrie, but because of prejudice which white folk manufacture, Negroes cannot expand. Looking at it from this angle, there is no need for calling any Negroes before the committee. The only information black folk could suggest in the premises is that freedom of movement is guaranteed to every citizen in America, and white folk in Oklahoma City should respect the law written by their own hands and dictated by their own conscience.

"Po' Whites" and Segregation

The United States Circuit Court of Appeals, Tenth District, will hear arguments Tuesday, April 9, in the segregation case, appealed to that tribunal by the Oklahoma City Branch of the National Association for the Advancement of Colored People. The hearing will be held in the city of Wichita.

While we would not assume to forecast the decision of the court, we at the same time want our readers to know that since the case of Buchanan vs. Warley, City of Louisville, 1917, in which the U. S. court outlawed this type of urban legislation, there have been fully a half dozen decisions by the court upholding its original position in this matter. There can be no question but that the court will have but one answer to segregation.

There is not a city councilman in Oklahoma City, who voted for the ordinance, who did not know at the time he voted for it that it was illegal. The only purpose in passing the law was to retard the ultimate and lawful expansion of the Negro population northward in Oklahoma City. Privately we have had city officials express themselves on the subject. They know what the court will say, but they were willing to enter into a conspiracy with members of a so-called white improvement association to set up an illegal barrier which it is hoped will maintain the status quo for a few years longer.

For many years we have argued that white people do more harm to themselves than they do to Negroes when they inject hypocrisy into the administration of law. The inclination is to scoff at this suggestion, but the utter lack of integrity, lurking back behind the segregation law in Oklahoma City, forms the ground work upon which the entire moral fiber of white autonomy is crumbling.

While the poor whites in the second ward stand guard behind their unholy zoning ordinance, their sincerity receives a violent setback by the conduct of their more fortunate brethren over in the first ward. All of the rich white people of the city live in the first ward, and in every alley of that section Negroes live in rented servant quarters. The majority of them do not live there as hired domestics of the white folk on the front of the lot. They are dignified renters who get their money from federal relief and pay it to their white landlords.

Is it not ridiculous for the poor whites in the second ward to argue that they do not want Negroes to rent their property, while their rich white relatives are sitting back laughing at them and collecting federal doles from the blacks who are freely admitted into the elite section. It looks like a frame-up on the part of the rich whites against the

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Negroes and whites. Did you ever stop to think why it
was that during the ante-bellum period the poor whites
always lived up in the mountains? It was the landed rich
and the Negroes who lived in the fertile valleys of the
Southland. Free labor of the blacks drove the poor white
trash to the mountains where they eked out a bare exist-
ence, and where in their humble cabins it could be easily
determined that foul human odors were not entirely inci-
dent to the black race.

Hypocrisy in government today rests in the fact that

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those who control America decided following Lincoln's Emancipation that it would be best to array white labor against black. A different outlook was given to the "po' white trash." They were called in for the first time and told that they were white, and just as white as the rich and former masters of slaves. Forgetting their former segregation in the mountains, the poor whites today put in overtime trying to segregate Negroes, never knowing that while they are busy in the ditch of prejudice, rich members of their own group are openly exploiting and robbing white labor of its just deserts. The wealth of America concentrated and became powerful while poor whites mobbed blacks.

Regardless to post-war propaganda and the strife between poor whites and blacks, the current depression ought to furnish the lesson that here in America there is no difference between an empty white belly and an empty black belly. This is the proper level to which hypocrisy has brought 20,000,000 poor whites. Broken homes, destitution and perhaps the dethronement of government itself can trace its cause to the cancer of prejudice.

Hypocrisy in government today rests in the fact that c

Tennessee

Segregation - 1935

McEwen, Tenn. Sun
July 18, 1935

Citizens Protest Locating Negroes In Montgomery Bell Park Here.

EDITOR WRITES OUR CONGRESSMAN

Burns, Tenn. July 18,1935

HON. CLARENCE W TURNER
Washington, D. C.

DEAR SIR:

Considerable protest is being made by the people of this place, from the fact that a Negro CCC Camp is to be located in the Montgomery Bell Park, which the Government is establishing at this place.

Many of those protesting, made sacrifices in selling their land to the Government for park purposes, and I can conservatively say that one hundred percent of the citizens resent the idea of locating 150 to 200 negroes in the park.

Petitions and telegrams are being sent to officials from Dickson, White Bluff and this place, asking that that the negros be kept out of the park,--and as you well know, locating the negroes in the park will cause no end of trouble and probably bloodshed.

I shall appreciate any action that you may take to forestall locating the negroes here, and trust that you will use your good influence to forestall such action by the Government.

Yours truly,
J. E. REEDER, Editor.